

59-26-104.5 Nonrefundable credit against tax -- Amounts passed through to customers within the state -- Tax may not be reduced by amounts passed through to customers within the state.

- (1) Beginning on January 1, 2008, a multi-channel video or audio service provider may claim a nonrefundable tax credit as provided in this section.
- (2) The nonrefundable tax credit described in Subsection (1):
 - (a) may be claimed against the tax the multi-channel video or audio service provider would otherwise be required to collect under this chapter from its purchasers within the state; and
 - (b) is in an amount equal to 50% of the total amount of county or municipality franchise fees that the multi-channel video or audio service provider pays:
 - (i) to all of the counties and municipalities within the state that impose a county or municipality franchise fee; and
 - (ii) for the calendar quarter for which the multi-channel video or audio service provider files a return under this chapter.
- (3) The nonrefundable tax credit described in Subsection (1) may not be carried forward or carried back.
- (4)
 - (a) Subject to Subsections (4)(b) and (c), a multi-channel video or audio service provider shall pass through to its purchasers within the state an amount equal to the amount of the nonrefundable tax credit the multi-channel video or audio service provider claims for a calendar quarter.
 - (b) The amount that a multi-channel video or audio service provider passes through to its purchasers within the state under Subsection (4)(a) shall be passed through during the same calendar quarter as the calendar quarter for which the multi-channel video or audio service provider claims the nonrefundable tax credit.
 - (c) A tax under this chapter on amounts paid or charged for multi-channel video or audio service may not be reduced as a result of the amount a multi-channel video or audio service provider passes through to its customers within this state under this Subsection (4).

Enacted by Chapter 288, 2007 General Session